

Atty Docket No. 00287S-004820US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner GARLAND, STEVEN

Group Art Unit 2786

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MAR 18 2005

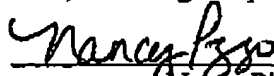
**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER GARLAND, STEVEN**

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents in re Application of PHILIP S. GREEN
Application No. 08/709,930 filed on September 9, 1996 for SURGICAL SYSTEM
are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Number of pages being transmitted, including this page: 7

Dated: 18 March 2005


Nancy Pizzo

Documents Attached

1. SB/21 - Transmittal Form
2. Status Request Letter
3. Copy of Notice of Allowability
4. Copy of Examiner's Amendment

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY
RETURN FACSIMILE AT (415) 576-0300**

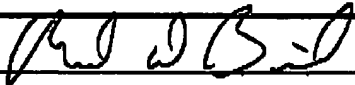
TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Telephone: 650-326-2400
Fax: 650-326-2422

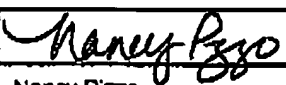
60442509 v1

PTO/SB/21 (09-04)

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	08/709,930
	Filing Date	September 9, 1998
	First Named Inventor	GREEN, PHILIP S.
	Art Unit	2786
	Examiner Name	GARLAND, STEVEN
Total Number of Pages in This Submission		Attorney Docket Number 00287S-004820US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): ▪ Copy of Notice of Allowability & Examiner's Amendment mailed 1/13/05
<input type="checkbox"/> Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Mark D. Barrish		
Date	18 March 2005	Reg. No.	38,443

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office at: Fax No. (703) 872-9306 on 03/14/05.			
Signature			
Typed or printed name	Nancy Pizzo	Date	18 March 2005

60442599 v1

I hereby certify that this correspondence is being sent by Facsimile to:
FAX NO. 703-872-9306

On MARCH 18, 2005

TOWNSEND and TOWNSEND and CREW LLP

By Nancy Pizzo
NANCY PIZZO

PATENT

Docket No. 004878-004820US
Client Ref. No. P-3026

Customer No. 20350

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PHILIP S. GREEN

Application No.: 08/709,930

Filed: 09/09/1996

For: SURGICAL SYSTEM

Confirmation No.: 7111

Examiner: Steve GARLAND

T.C./Art Unit: 2125

STATUS REQUEST LETTER

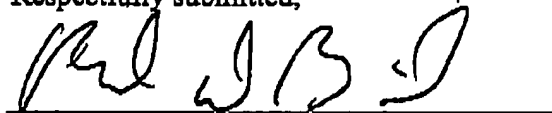
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the status of the present application be provided. The last communication from the U.S. Patent Office was a Notice of Allowability (copy attached) and Examiner's Amendment (copy attached), as mailed from the U.S. Patent Office on January 13, 2005. No Notice of Allowance or Request for an Issue Fee has been received for this case.

Please advise us of the status of this application.

Respectfully submitted,



Mark D. Barrish
Reg. No. 36,443

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200 / Fax: (415) 576-0300
Attachment

60442470 v1

Notice of Allowability

Application No.

08/709,930

Examiner

Steven R Garland

Applicant(s)

GREEN, PHILIP S.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed 9/9/04.
2. ☒ The allowed claim(s) is/are 115, 123-128, 161, 162, 164, 165 renumbered respectively 1-9.
3. ☒ The drawings filed on 09 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

COPY

Application/Control Number: 08/709,930
Art Unit: 2125

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Replace the abstract with the attached abstract which is on a separate sheet.

Remarks; the abstract has been amended so that it does not exceed the 150 word length limit.

2. Claims 1-114, 116-122, 127-151, and 163 have been canceled.

Proposed claims 152-160 have not been entered. These claims were proposed during interference, but were not entered during the interference proceedings by the administrative patent judge.

Claims 115, 123-126, 161, 162, 164, and 165 have been renumbered as claims 1-9 respectively.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759, after 10/13/04 at 571-272-3741. The examiner can normally be reached on Monday-Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on 703-308-0538 after 10/12/04 at (571)272-

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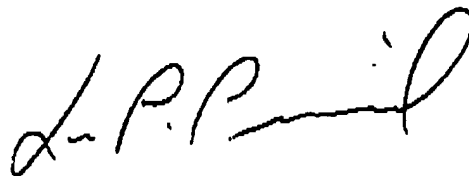
Application/Control Number: 08/709,930
Art Unit: 2125

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3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SRD
STEVEN CARLAND



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Art Unit: 2125

Page 4

— Abstract of the Disclosure

A teleoperator system with telepresence is shown which includes right and left hand controllers (72R and 72L) for control of right and left manipulators (24R and 24L) through use of a servomechanism that includes computer. The teleoperator system comprises a surgical system suited for endoscopic surgery. The surgical system includes a surgical instrument, a servomechanism and a controller. The surgical includes an insertion section and a control section. The insertion section comprises a forearm, a wrist and an end effector in the form of a surgical instrument head selected from the group consisting of retractors, electrosurgical cutters, electrosurgical coagulators, forceps, needle holders, scissors, blades and irrigators. The control section comprises a plurality of motors and linkages which operate to insert and retract the forearm, rotate the forearm, pivot the forearm, and pivot the wrist link about the wrist joint. --

COPY